

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RICHARD HARRIS,  
*Plaintiff,*

v.

FAMILY DOLLAR STORES OF TEXAS,  
LLC DBA FAMILY DOLLAR #10150 and  
NS RETAIL HOLDINGS, LLC,  
*Defendants.*

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CIVIL ACTION NO. 4:21-cv-471  
JURY TRIAL DEMANDED

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**EXHIBIT A**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RICHARD HARRIS,  
*Plaintiff,*

v.

FAMILY DOLLAR STORES OF TEXAS,  
LLC DBA FAMILY DOLLAR #10150 and  
NS RETAIL HOLDINGS, LLC,  
*Defendants.*

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CIVIL ACTION NO. 4:21-cv-471  
JURY TRIAL DEMANDED

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DEFENDANT FAMILY DOLLAR STORES OF TEXAS, LLC'S  
INDEX OF MATTERS BEING FILED

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Pursuant to Federal Rule of Civil Procedure 81, Defendant FAMILY DOLLAR STORES OF TEXAS, LLC hereby attaches this Index of Matters Being Filed to its Notice of Removal.

**Exhibit 1:** All Executed Process:

- Executed Return of Service on Family Dollar Stores of Texas, LLC served on February 3, 2021.

**Exhibit 2:** All State Court Pleadings:

- Plaintiff's Original Petition and Request for Disclosures, filed on January 25, 2021;

**Exhibit 3:** State Court Docket Sheet

**Exhibit 4:** List of all counsel of record, including addresses, telephone numbers, and parties represented.

# EXHIBIT 1

Marilyn Burgess - District Clerk Harris County  
Receipt Number: 909656  
Envelope No. 50495382  
Tracking Number: 73834691  
By: SIMONE MILLS  
Filed: 2/9/2021 1:46 PM

COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 202104659

PLAINTIFF: HARRIS, RICHARD

In the 334th Judicial

vs.

District Court of

DEFENDANT: FAMILY DOLLAR STORES OF TEXAS LLC  
(DBA FAMILY DOLLAR \$10150)

Harris County, Texas

## CITATION

THE STATE OF TEXAS  
County of Harris

TO: FAMILY DOLLAR STORES OF TEXAS LLC (D/B/A FAMILY DOLLAR #10150) (IS A LIMITED LIABILITY COMPANY) MAY BE SERVED THROUGH ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY (D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY)

211 E 7TH STREET SUITE 600

AUSTIN TX 78701

OR WHEREVER THE REGISTERED AGENT MAY BE FOUND

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE.

This instrument was filed on January 25, 2021, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties to this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this January 26, 2021.

*Marilyn Burgess*

Marilyn Burgess, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002

Generated By: RHONDA MOMON

Issued at request of:  
NGO, CHRISTOPHER  
6200 GULF FREEWAY SUITE 410  
HOUSTON, TEXAS 77023  
713-349-1500 x1512

CTH: 2/2/21  
at 4:00 PM

IN THE 334TH JUDICIAL DISTRICT  
HARRIS COUNTY, TEXAS

CAUSE NO: 202104659

RICHARD HARRIS  
VS  
FAMILY DOLLAR STORES OF TEXAS, LLC, ET AL

**RETURN**

Came to my hand: 2/2/2021, at 04:00 o'clock P.M., the following specified documents:

- Citation
- Plaintiff's Original Petition and Request for Disclosure

and executed by me on: 2 / 3 / 2021, at 3:10 o'clock PM, at

211 E. 7<sup>TH</sup> STREET, SUITE 620, AUSTIN, TX 78701, within the county of TRAVIS, by delivering to FAMILY DOLLAR STORES OF TEXAS LLC (DBA FAMILY DOLLAR #10150), by delivering to its registered agent, CORPORATION SERVICE COMPANY dba CSC-LAWYERS INCORPORATING SERVICE COMPANY, by delivering to SALANTIA GUERRA, employee/managing agent, in person, a true copy of the above specified documents having first endorsed on such copy the date of delivery.

I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.

*Kelly Murcki*

Authorized Person: Kelly Murcki, PSC 5912  
Expiration Date: 10 / 31 / 2022

STATE OF TEXAS }

**VERIFICATION**

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/her personal knowledge and experience to be true and correct. Given under my hand and seal of office on this the 3<sup>rd</sup> day of February, 2021.



*Dana L. McMichael*

Notary Public

Unofficial Copy Office of Marilyn Burgess District Clerk

# EXHIBIT 2



## Notice of Service of Process

null / ALL  
Transmittal Number: 22714262  
Date Processed: 02/05/2021

**Primary Contact:** Cynthia Bertucci  
Dollar Tree, Inc.  
500 Volvo Pkwy  
Chesapeake, VA 23320-1604

**Electronic copy provided to:** JJ Jacobson-Allen  
Heather Hunter

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**Entity:** Family Dollar Stores of Texas, LLC  
Entity ID Number 3697607

**Entity Served:** Family Dollar Stores of Texas, LLC (dba Family Dollar #10150)

**Title of Action:** Richard Harris vs. Family Dollar Stores of Texas, LLC dba Family Dollar #10150

**Matter Name/ID:** Richard Harris vs. Family Dollar Stores of Texas, LLC dba Family Dollar #10150 (10927426)

**Document(s) Type:** Citation/Petition

**Nature of Action:** Personal Injury

**Court/Agency:** Harris County District Court, TX

**Case/Reference No:** 2021-04659

**Jurisdiction Served:** Texas

**Date Served on CSC:** 02/03/2021

**Answer or Appearance Due:** 10:00 am Monday next following the expiration of 20 days after service

**Originally Served On:** CSC

**How Served:** Personal Service

**Sender Information:** Christopher Ngo  
713-349-1500

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)



Receipt Number: 909656  
Tracking Number: 73834691

COPY OF PLEADING PROVIDED BY PLT

DELIVERED: 2/3/21  
By: KM

CAUSE NUMBER: 202104659

PLAINTIFF: HARRIS, RICHARD

In the 334th Judicial

vs.

District Court of

DEFENDANT: FAMILY DOLLAR STORES OF TEXAS LLC  
(DBA FAMILY DOLLAR \$10150)

Harris County, Texas

CITATION

THE STATE OF TEXAS  
County of Harris

TO: FAMILY DOLLAR STORES OF TEXAS LLC (D/B/A FAMILY DOLLAR #10150) (IS A LIMITED LIABILITY COMPANY) MAY BE SERVED THROUGH ITS REGISTERED AGENT CORPORATION SERVICE COMPANY (D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY)

211 E 7TH STREET SUITE 600

AUSTIN TX 78701

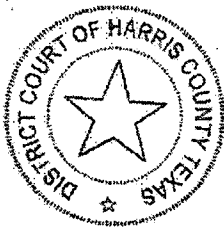
OR WHEREVER THE REGISTERED AGENT MAY BE FOUND

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE.

This instrument was filed on January 25, 2021, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this January 26, 2021.



*Marilyn Burgess*

Marilyn Burgess, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002

Generated By: RHONDA MOMON

Issued at request of:  
NGO, CHRISTOPHER  
6200 GULF FREEWAY SUITE 410  
HOUSTON, TEXAS 77023  
713-349-1500 x1512

CTH: 2/2/21  
at 4:30 PM

CAUSE NO. 2021-04659

RICHARD HARRIS,

Plaintiff,

vs.

FAMILY DOLLAR STORES OF  
TEXAS, LLC dba FAMILY DOLLAR  
#10150 and NS RETAIL HOLDINGS.  
LLC,

Defendants.

IN THE DISTRICT COURT

334<sup>th</sup> JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

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**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

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TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now, Richard Harris ("Plaintiff"), and files this Original Petition complaining of and against Family Dollar Stores of Texas LLC. d/b/a Family Dollar #10150 and NS Retail Holdings, LLC ("Defendants"), and would respectfully show the Court as follows:

**I. DISCOVERY LEVEL**

Plaintiff seeks monetary relief over \$200,000.00 but no more than \$1,000,000.00 and a demand for judgment for all the other relief to which Plaintiff deems herself entitled.

Plaintiff intends to conduct discovery in this matter under Level 2 of Texas Rule of Civil Procedure 190.3.

**II. PARTIES**

Plaintiff, Richard Harris, is an individual residing in Harris County, Texas.

Defendant, Family Dollar Stores of Texas LLC. dba Family Dollar #10150 is a limited liability company doing business in the State of Texas. Defendant may be served with process through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating

Service Company, 211 E. 7<sup>th</sup> Street, Suite 600, Austin, Texas 78701, or wherever the registered agent may be found. Service on Defendant is hereby requested at this time.

Defendant, NS Retail Holdings, LLC, is a limited liability company doing business in the State of Texas. Defendant may be served with process through its registered agent, Registered Agent Solutions, Inc., 1701 Directors Blvd, Suite 300, Austin, Texas 78744, or wherever the registered agent may be found. Service on Defendant is hereby requested at this time.

### **III. JURISDICTION & VENUE**

The Court has subject matter jurisdiction over this matter because the amount in controversy exceeds the minimum jurisdictional limit of the Court. Venue is proper in Harris County, Texas, as this is the county in which the cause of action occurred.

### **IV. FACTUAL BACKGROUND**

On March 25, 2020, Plaintiff was an invitee on the premises of Family Dollar store located at 15645 West Park Drive, Houston, Texas 77082. At the time of the incident, this store was owned, controlled, and/or operated by Defendants named herein.

At the time of the incident, Plaintiff was entering the store when he noticed a shopping cart blocking the entrance. Plaintiff attempted to move the cart when he tripped on a bunched up portion of the door mat which caused him to fall to the floor.

Defendants failed to properly and sufficiently warn invitees such as Plaintiff of the possible injury hazards caused by not properly maintaining its floors. As a result of Defendants' negligence, Plaintiff suffered bodily injuries.

### **V. NEGLIGENCE OF DEFENDANT FAMILY DOLLAR STORES OF TEXAS LLC D/B/A FAMILY**

#### **DOLLAR #10150 AND NS RETAIL HOLDINGS LLC**

Because Plaintiff was on Defendants' premises to shop, he was an invitee at the time of the incident. The bunched up portion of the door mat on Defendant's premises posed an unreasonable risk of harm to its business patrons such as Plaintiff. Defendant knew or should have known of the danger of the bunched up portion of the door mat on its premises. Defendants owed a duty to its invitees, such as Plaintiff, to exercise ordinary care. Defendants breached its duty of ordinary care to Plaintiff in one or more of the following particulars:

- a. In failing to verbally warn invitees, such as Plaintiff, of the floor;
- b. In failing to place any warning signs in the area of the bunched up portion of the door mat on the floor;
- c. In failing to place any barriers in the area to prevent invitees, such as Plaintiff, from unwitting being exposed to the danger of a slick floor;
- d. In failing to make the condition reasonably safe or remove the condition by cleaning up the floor; and
- e. In failing to properly inspect and maintain its premises.

Each of the above acts and omissions, singularly or in combination, constituted negligence which proximately caused the collision and Plaintiff's injuries and damages.

#### **VI. DAMAGES**

Because of the actions and conduct of Defendants set forth above, Plaintiff suffered bodily injuries and damages. By reason of those injuries and the damages flowing in law therefrom, this suit is maintained.

Because of the nature and severity of the injuries Plaintiff sustained, he has suffered physical pain, mental anguish and physical impairment, and in reasonable probability will continue to suffer physical pain, mental anguish and physical impairment into the future.

The injuries sustained by Plaintiff have required medical treatment in the past, and in reasonable probability will require other and additional medical treatment in the future. Charges incurred by Plaintiff for such medical treatment in the past and those which will in reasonable

probability be incurred in the future have been and will be reasonable charges made necessary by the incident in question.

**VII. RESERVE THE RIGHT TO AMEND & SUPPLEMENT**

These allegations against Defendants are made acknowledging that investigation and discovery, although undertaken, are continuing in this matter. As further investigation and discovery are conducted, additional facts will surely be uncovered that may and probably will necessitate further, additional, and/or different allegations, including the potential of adding parties to and/or dismissing parties from the case. The right to do so is, under Texas law, expressly reserved.

**VIII. REQUEST FOR DISCLOSURE TO DEFENDANT**

Pursuant to Texas Rule of Civil Procedure 194(a), each Defendant is required to disclose, within thirty (30) days of the filing of the first answer, the information or material described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

**IX. PRE-JUDGMENT INTEREST**

Plaintiff would additionally say and show that he is entitled to recovery of pre-judgment interest in accordance with law and equity as part of her damages herein, and Plaintiff here and now sues for recovery of pre-judgment interest as provided by law and equity under the applicable provisions of the laws of the State of Texas.

**X. RULE 193.7 NOTICE**

Plaintiff hereby give actual notice to Defendants that any and all documents produced may be used against them during any pretrial proceeding and/or at trial without the necessity of authenticating the documents as permitted by Texas Rule of Civil Procedure 193.7.

**XI. DESIGNATED E-SERVICE EMAIL ADDRESS**

The following is the undersigned attorney's designation of electronic service email address for all electronically served documents and notices, filed and unfiled, pursuant of Tex. R Civ. P, 21(a) and 21(f)(2).(vle@millerweisbrod.com). This is the ONLY electronic service email address, and service through any other email address will be considered invalid.

**XII. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final trial, Plaintiffs recovers actual damages as specified above from Defendants, plus costs of Court, pre-judgment and post-judgment interest at the legal rate, and have such other and further relief, general and special, at law and in equity, to which Plaintiff may be justly entitled under the facts and circumstances.

Respectfully submitted,

**LAW OFFICES OF DOMINGO GARCIA, L.L.P.**

6200 Gulf Freeway, Suite 410  
Houston, Texas 77023  
Telephone: (713) 349-1500  
Facsimile: (713) 432-7785

**/s/ Christopher Ngo**

Christopher Ngo  
State Bar No.: 24105692  
[cngo@millerweisbrod.com](mailto:cngo@millerweisbrod.com)

**ATTORNEY FOR PLAINTIFF**

CAUSE NO. 2021-04659

RICHARD HARRIS,

*Plaintiff,*

v.

FAMILY DOLLAR STORES OF TEXAS,  
LLC dba FAMILY DOLLAR #10150 and  
NS RETAIL HOLDINGS, LLC,

*Defendants.*

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IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

334<sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT FAMILY DOLLAR STORES OF TEXAS, LLC's  
ORIGINAL ANSWER**

COMES NOW, **FAMILY DOLLAR STORES OF TEXAS, LLC**, the  
Defendants herein, and file their Original Answer as follows:

**I.  
GENERAL DENIAL**

Defendants deny each and every, all and singular, material allegations contained within Plaintiffs pleadings and any amendments or supplements thereto and demands strict proof thereof in accordance with the Texas Rules of Civil Procedure.

**II.  
JURY DEMAND**

In accordance with Rule 21 6 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants demand a trial by jury.

**III.  
193.7 NOTICE**

Pursuant to Rule 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants hereby gives actual notes to Plaintiff that any and all documents produced by Plaintiff

may be used against Plaintiff at any pretrial proceeding or at the trial of this matter without the necessity of authenticating the documents.

**WHEREFORE, PREMISES CONSIDERED, FAMILY DOLLAR STORES OF TEXAS, LLC** prays that Plaintiff take nothing by this suit, that Plaintiff be required to pay Defendants costs, and for such other and further relief, both general and special, at law and in equity, to which Defendants may show itself justly entitled.

Respectfully submitted,

**MAYER LLP**

4400 Post Oak Parkway, Suite 2850  
Houston, Texas 77027  
713.487.2000 / Fax 713.487.2019

By: /s/ Kevin Riley

Kevin P. Riley

State Bar No. 16929100

[kriley@mayerllp.com](mailto:kriley@mayerllp.com)

Harry L. Laxton

State Bar No. 12061762

[amihalick@mayerllp.com](mailto:amihalick@mayerllp.com)

**ATTORNEYS FOR DEFENDANT  
FAMILY DOLLAR STORES OF TEXAS,  
LLC**



**CERTIFICATE OF SERVICE**

This is to certify that on the 10<sup>th</sup> day of February 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Christopher Ngo  
State Bar No. 24105692  
Law Offices of Domingo Garcia, L.L.P.  
6200 Gulf Freeway, Suite 410  
Houston, Texas 77023  
Email: [cngo@millerweisbrod.com](mailto:cngo@millerweisbrod.com)

***COUNSEL FOR PLAINTIFF***

☐ E-MAIL  
☐ HAND DELIVERY  
☐ FACSIMILE  
☐ OVERNIGHT MAIL  
☐ REGULAR, FIRST CLASS MAIL  
☒ E-FILE AND SERVE  
☐ E-SERVICE ONLY  
☐ CERTIFIED MAIL/RETURN RECEIPT  
REQUESTED

/s/ Kevin P. Riley

Kevin P. Riley

# **EXHIBIT 3**

**HC****Districtclerk.com**HARRIS, RICHARD vs. FAMILY DOLLAR STORES OF  
TEXAS LLC (DBA FAMILY DOLLAR \$10150)

2/10/2021

Cause: 202104659 CDI: 7 Court: 334

**DOCUMENTS**

Number	Document	Post Jdgm	Date	Pgs
94336868	Citation(Family Dollar Stores of Texas LLC):		02/09/2021	3
restricted	Plaintiffs Original Petition and Request for disclosure		01/25/2021	5
-> restricted	Request for Issuance of Service		01/25/2021	1
-> restricted	Request for Issuance of Service		01/25/2021	1

# **EXHIBIT 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RICHARD HARRIS,  
*Plaintiff,*

v.

FAMILY DOLLAR STORES OF TEXAS,  
LLC DBA FAMILY DOLLAR #10150 and  
NS RETAIL HOLDINGS, LLC,  
*Defendants.*

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CIVIL ACTION NO. 4:21-cv-471  
JURY TRIAL DEMANDED

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COUNSEL OF RECORD AND INFORMATION PURSUANT TO  
LOCAL RULE CV-81(C)

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(1) A list of all parties in the case, their party type (e.g., plaintiff, defendant, intervenor, receiver, etc.) and current status of the removed case (pending, dismissed);

***Plaintiff*** Richard Harris

***Defendant*** Family Dollar Stores of Texas, LLC

The removed case is currently pending.

(2) A civil cover sheet and a certified copy of the state court docket sheet; a copy of all pleadings that assert causes of action (e.g. complaints, amended complaints, supplemental complaints, counterclaims, cross-actions, third party actions, interventions, etc.); all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court, as required by 28 U.S.C. § 1446(a).

See attached civil cover sheet and documents attached to Defendant's Notice of Removal as ***Exhibit "A."***

(3) A complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number and party or parties represented by him/her;

**LAW OFFICES OF DOMINGO GARCIA, L.L.P.**  
CHRISTOPHER NGO  
STATE BAR NO. 24105692  
6200 GULF FREEWAY, SUITE 410  
HOUSTON, TEXAS 77023  
EMAIL: [CNGO@MILLERWEISBROD.COM](mailto:CNGO@MILLERWEISBROD.COM)

***Counsel for Plaintiff***

**MAYER LLP**

Kevin P. Riley  
Southern Bar No. 13776  
State Bar No. 16929100  
[kriley@mayerllp.com](mailto:kriley@mayerllp.com)  
Harry L. Laxton  
Southern Bar No. 906711  
State Bar No. 24093092  
[hlaxton@mayerllp.com](mailto:hlaxton@mayerllp.com)  
4400 Post Oak Parkway, Suite 1980  
Houston, Texas 77027  
Telephone: 713-487-2000  
Facsimile: 713-487-2019

***Counsel for Defendant***  
**FAMILY DOLLAR STORES OF TEXAS, LLC**

(4) A record of which parties have requested a trial by jury (this information is in addition to placing the word "jury" at the top of the Notice of Removal immediately below the case number);

Defendant, Family Dollar Stores of Texas, LLC has requested a trial by jury.

(5) The name and address of the court from which the case is being removed.

334<sup>th</sup> Harris County District Court  
Honorable Dawn Rogers  
Harris County Civil Courthouse  
201 Caroline, 14<sup>th</sup> Floor  
Houston, Texas 77002  
T: 832.927.1825